



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

EFRAIN COBOS, ) Case No. CV 08-07152 JSL (AN)

Petitioner,

v.

MICHAEL A. SMELOSKY,

Respondent.

} ORDER APPROVING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the Magistrate Judge's Report and Recommendation ("R&R") and Petitioner's Objections thereto, *de novo*.

IT IS ORDERED that:

1. The R&R is approved and adopted with the following corrections:  
Page 7, line 10 - "Cal. R. Ct. 4.42(a)(1), (a)(2)" is corrected to read "Cal. R. Ct. 4.421(a)(1), (a)(2)."  
Page 8, line 17 - "Ground Three" is corrected to read "Ground Two."
2. Petitioner's Objections are overruled because they lack merit for the reasons set forth in the R&R.

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3. Judgment shall be entered denying the Petition and dismissing this action with prejudice.
4. All motions are denied as moot and terminated.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve a copy of this Order and the Judgment on all counsel or parties of record.

Dated: April 15, 2009

**J. SPENCER LETTS  
UNITED STATES DISTRICT JUDGE**

9 Dated: April 15, 2009  
10 J. SPENCER LETTS  
UNITED STATES DISTRICT JUDGE